

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

NOEL L. BROWN, et al.	:	
	:	
Plaintiffs	:	CIVIL ACTION NO. 3:18-155
	:	
v.	:	(MANNION, D.J.)
	:	(ARBUCKLE, M.J.)
WAYNE COUNTY	:	
PENNSYLVANIA, et al.	:	
	:	
Defendants	:	
	:	

ORDER

Presently before the court is Magistrate Judge William I. Arbuckle's report and recommendation ("Report"), which recommends that two plaintiffs, Sheron A. Chambers ("Chambers") and Dryah K. Brown's ("Brown") claims be dismissed without prejudice for failure to comply with court orders. ([Doc. 39](#)). Neither party has filed objections to Judge Arbuckle's Report.

When no objections are made to the report and recommendation of a magistrate judge, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." [Fed.R.Civ.P. 72\(b\)](#); advisory committee notes; see *also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987)

(explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); M.D.Pa. L.R. 72.31.

On April 10, 2019, Judge Arbuckle issued an order directing four of the five *pro se* plaintiffs to either pay the required filing fee to file a complaint or file a motion for leave to proceed *in forma pauperis* by May 10, 2019. (Doc. 14). The two plaintiffs at issue here, Chambers and Brown filed motions for leave to proceed *in forma pauperis*. (Doc. 18; Doc. 21). Judge Arbuckle denied both motions because they did not include any information about either plaintiff's assets or liabilities. (Doc. 20; Doc. 27). Judge Arbuckle also provided Chambers and Brown with an application to proceed *in forma pauperis* and advised them that their claims may be dismissed if they failed to submit their application on or before June 6, 2019, and June 14, 2019, respectively. (Doc. 20; Doc. 27). To date, Chambers and Brown have neither filed a new motion for leave to proceed *in forma pauperis* or paid the filing fee.

As such, this court agrees with the sound reasoning that led Judge Arbuckle to his recommendation that all claims filed by Chambers and Brown be dismissed without prejudice.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1)** Judge Arbuckle's Report ([Doc. 39](#)) is **ADOPTED IN ITS ENTIRETY**;
- (2)** Plaintiffs Sheron A. Chambers and Dryah K. Brown's claims are **DISMISSED without prejudice**;
- (3)** The Clerk of Court is directed to **TERMINATE** plaintiffs Sheron A. Chambers and Dryah K. Brown from this case; and
- (4)** This case is **REMANDED** to Judge Arbuckle for further proceedings.

s/ Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

DATE: August 14, 2019

18-155-02